

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA,

v.

Criminal No. 3:19cr63 (DJN)

ANTWAIN ONEAL CARTER,
Defendant.

ORDER
(Appointing New Counsel)

This matter comes before the Court on the Response, (“Response,” ECF No. 56), filed by former counsel for Defendant Antwain Oneal Carter (“Defendant”). On March 13, 2024, the Court directed Defendant’s former counsel, CJA-appointed attorney Timothy George McCormick, to acknowledge receipt of the United States Probation Office’s worksheet, (“821 Worksheet,” ECF No. 54), assessing Defendant’s eligibility for a sentence reduction pursuant to Amendment 821 of the U.S. Sentencing Guidelines and to state his position as to reappointment. (ECF No. 55.) That same day, Mr. McCormick filed his Response, stating that he no longer serves on the Court’s CJA panel and therefore does not seek reappointment. (ECF No. 56.)

Accordingly, and because the Probation Office’s 821 Worksheet deemed Defendant eligible for sentencing relief pursuant to Amendment 821, the Court hereby ORDERS the Clerk to appoint new counsel for Defendant from the CJA panel in Richmond for the purpose of pursuing sentencing relief pursuant to Amendment 821 of the U.S. Sentencing Guidelines.

Counsel for Defendant SHALL file a Motion to Reduce Defendant’s Sentence no later than fifteen (15) days from appointment as Defendant’s new counsel.

The Court hereby DIRECTS the United States Attorney's Office to respond within fifteen (15) days of the filing date of the counseled Motion to Reduce Sentence and to explain its position regarding Defendant's motion and requested relief. The Government's time for responding is measured from the filing of Counsel for Defendant's Motion to Reduce Sentence. In all instances the Government SHALL file a response stating whether it believes the Motion to Reduce Sentence should be granted or denied and explain the grounds for its position. The response must further provide the following information:

- a. Defendant's currently-projected date of release;
- b. Status of Defendant's educational and vocational training, if any;
- c. Status of any treatment of Defendant for substance abuse or physical or mental health;
- d. Defendant's post-sentencing conduct, including Defendant's compliance with the rules of the institution(s) in which Defendant has been incarcerated; and
- e. Any relevant considerations of public safety.


Additionally, if the Motion to Reduce Sentence is not opposed, the Government SHALL promptly contact the United States Probation Office, Richmond Division and notify it of this fact, so that the Probation Office may make the appropriate arrangements.

If Defendant disagrees with the Government's response, Defendant may reply to the Government's response within five (5) days of the date that the Government's response is filed.

No later than fifteen (15) days from the date of entry hereof, the Probation Office is hereby DIRECTED to provide the Court with a copy of Defendant's Presentence Report.

The Clerk is directed to send a copy of this Order to all counsel of record, to Defendant and to the United States Probation Office, Richmond Division.

It is so ORDERED.


_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia
Dated: March 13, 2024